

ASSEMBLY BILL 129 PROTOCOLS

	COLUSA	INYO	MODOC	PLACER	RIVERSIDE	SAN JOAQUIN	SONOMA	STANISLAUS
Agency model	Lead agency model	Lead agency model	Lead agency model	Either (1) On-hold model with subcomponents of lead agency OR (2) concurrent service and case plan model	Lead court/lead agency model	Lead court/lead agency model; The assisting agency's jurisdiction over the child is suspended so that at any one time only one agency has active jurisdiction (so as not to duplicate services)	Lead court/lead agency model	No predetermination of which model to use; Both on-hold and lead agency are possibilities; Staff from both agencies examine the WIC, § 241.1 joint assessment information and determine which model to use
Emphasis placed on collaborative efforts between probation and child protective services (CPS)	Joint recommendation for dual status must lay out specific goals for services and which court/agency should be lead; Lead agency really takes charge of the case, but is directed to communicate with nonlead agency concerning family's needs	Lead agency really takes charge of the case; However, the lead and assisting agencies are supposed to work together to create an appropriate case plan for the minor	Agency staff to work together in a comprehensive, holistic, and collaborative fashion Efforts will include joint reports, in-person conferences, and submittal of recommendation to respective managers for approval	Strong emphasis, e.g., joint reports, joint <u>in-person</u> conference	The lead agency must conduct a joint assessment and work with staff from both CPS and probation to determine which is most appropriate to provide services to the child at that time	Clear procedure outlined for cases where the minor's safety may be compromised by staying in juvenile hall or local children's shelter; Agencies are to work together to determine the least restrictive and most secure environment for the child in such a situation	Decision to designate a minor dual status must be made jointly by CPS and probation.; Then CPS and probation will designate responsibility for case management; When child is dual status, probation officer and social worker must communicate at least monthly	Each department must provide training to the other in regard to the agreement and its data system
How hearings for dual-status youth are calendared	Lead agency responsible for submitting court reports and attending court	Joint dependency/wardship hearings are conducted for dual-status minors	Dependency lead cases are calendared in the dependency court while delinquency	Dependency lead cases are calendared in the dependency court while delinquency	If probation is determined to be the lead agency, then delinquency court will be the	The court will conduct joint dependency / wardship hearings for dual-status	The lead court will conduct hearings in its court; Lead agency will be	

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	hearings	The lead agency is responsible for preparing a single report for the hearing, but both agencies must attend the hearing	lead cases are calendared in the delinquency court Concurrent jurisdiction cases are calendared in the dependency court	lead cases are calendared in the delinquency court Concurrent jurisdiction cases are calendared in the dependency court	lead court; If CPS is determined to be the lead agency, then dependency court will be the lead court	minors The lead agency will be responsible for preparing a single report for the joint hearing; The assisting agency may prepare supplemental reports	responsible for case management and preparation of court reports and calendaring hearings	
Requirements for dual-status eligibility		Minor must not have been removed from the home	Determined on case-by-case basis		Youth who are placed in Riverside County by other outside county agencies are NOT eligible		Primary reasons for dual status designation are: (1) No parent/guardian available; (2) Parent not able to adequately care for/supervise; (3) Other circumstances of a ward require protection under WIC, § 300; (4) A § 300 child needs control/containment for effective drug treatment or sex offender treatment; (5) Minor can't be safely housed at Valley of the Moon or a foster care setting	

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							due to being a danger to self or others	
Process involved in declaring dual status OR switching lead agency	In making a recommendation for dual status, the agencies must address the specific goals for services and which court/ agency should be lead	<p>Agencies must agree that dual status is appropriate for the court to order dual status</p> <p>Only children who have not been removed are eligible for dual status</p> <p>Court may determine that a change in lead agency is appropriate if both agencies consult and present this to the juvenile court</p> <p>If one agency determines that the youth should be removed from their home, then they must file a petition with the court and the court will then terminate the jurisdiction of the</p>	<p>WIC, § 241.1 protocol continues to be the process of identification for dual jurisdiction</p> <p>If it is determined that a joint jurisdiction of 300 and 601/602 applies a report is to be prepared and presented to the court as a WIC 241.1 Joint Jurisdiction Case</p> <p>The Court will order the parties to proceed with the Dual Jurisdiction Procedures for a recommendation on final disposition of the matter</p>	<p>WIC, § 241.1 protocol continues to be the process of identification for dual jurisdiction; The Children’s Research Center Model of Structured Decision Making or the Placer County Probation Risk Assessment is used in order to make decisions about the delivery of service and intervention</p> <p>When a child enters either system, the caseworker must contact the alternate agency and determine if the minor has had a history with the alternate agency</p> <p>The detention report should include a</p>	<p>The lead court will have the final say on the termination or modification of dual status; Statements of the DA, defense counsel, social worker, county counsel, and probation officer will all be submitted to the lead court to assist in this determination</p> <p>If the initial petition is based on a WIC, § 602 petition, then the PD’s office will represent the minor; If a WIC, § 602 case exists and a WIC, § 300 petition is filed to create dual status, then the juvenile defense panel will be appointed to represent the minor and the</p>	<p>In order for the assisting agency to assume the lead role, a petition must be submitted to the court</p> <p>Protocol report may be done orally unless the court specifies otherwise; If required to be in writing, then both Probation and CPS must sign the report</p>	<p>Agencies must jointly agree to dual status</p> <p>Either agency can seek to change lead status if warranted</p> <p>County clerk is responsible for sending all notices, reports, and orders to CPS and probation</p> <p>If a WIC, § 300 case is suspended, four weeks prior to dismissal of a § 602 order or a return home the P.O. & S.W. will consult; If either the § 602 or § 300 case is to be transferred out-of-county, four weeks prior the social worker or probation officer will notify the other</p>	<p>Clear criteria given for principal guidelines both in filing a delinquency petition and in filing a dependency petition</p> <p>Allows CPS to immediately take custody of a child who is being held in juvenile hall without a WIC, § 602 petition being filed when the child is better suited for a community service agency</p>

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		nonfiling agency		<p>recommendation to the court as to the length, level, and extent of the delinquent or child welfare involvement and the need for possible WIC, § 241.1 handling</p> <p>The court will make the final determination of whether dual jurisdiction should be granted</p>	minor's family			
Interagency conflict resolution process		If the heads of CPS and probation are unable to agree, then the dispute will be elevated to the Multi-Agency Policy Committee	If Children's Services and Probation are unable to agree whether dependency or wardship is preferred in a case, negotiations shall be referred to their respective chains of command starting with the Children's Services and Probation's Supervisors through the	If conflict arises as to which agency should be the lead and the managers cannot reach a resolution, the case will be referred to the System Management Advocacy Resource Team (SMART) for a WIC, § 241.1 formal SMART Management Team (SMT) review	Interagency conflict should be resolved by moving up the chain of command	Interagency conflict should be solved by moving up chain of command and ultimately ending in filing separate reports with the court	If line staff don't agree, managers will consult; If no agreement there, then matter will be referred to Case Management Council/mid-level managers; If still no agreement, case will be referred to dependency court judge	<p>Interagency conflict should be solved by moving up the chain of command in both agencies</p> <p>Emphasis is placed on solving issues at lowest staffing level possible</p>

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			Program Managers until a consensus agreement is reached	If conflict arises as to the services to be provided, the case should first be reviewed in a team conference with Children's System of Care (CSOC) and the probation supervisor; If the supervisors cannot agree, the case should be referred to CSOC SMT for review				
Confidentiality issues around information sharing between agencies	Not mentioned	Not mentioned	Not mentioned	Not mentioned	In accordance with WIC, § 827 the court authorizes release of information between DPSS and Probation	Not mentioned	Not mentioned	Under WIC, § 241.1 the court, community service agency, and probation shall exchange information about a child's history of abuse and neglect as well as the child's history of delinquency and out-of-control behavior, both orally and by providing photo-copies, as needed, of each other's case file
One judge /one	Not mentioned	Aims to have one	One Judge will be	Mandates one	Details the legal	If there is more	Not mentioned	Strives for single-

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attorney – required?		judge handle case; However, accepts that this may not be possible	assigned, and an initial block of court time will be set aside to allow the jurist to become familiar with the dual jurisdiction family Strives for single-attorney model	judge for each case Strives for single-attorney model	responsibilities of attorneys representing dual-status youth; However, no mention of one judge/one attorney requirement	than one judge handling a dual-status case, then they must communicate in regard to the case Single-attorney model should be used unless it would be detrimental to the minor or be inappropriate to do so		attorney model
Lead Agency/Case-worker Responsibilities	Lead agency is responsible for case management, attending court hearings, continuing contact with the child and parents, and submission of court reports Lead agency has primary title IV-E funding rights and responsibilities. Lead agency reimburses nonlead agency for any services it provides, upon receipt of accounting of	The lead agency is responsible for case management, visiting the minor monthly, scheduling court hearings, preparing court reports, and providing services to the minor and the minor's family	Comprehensive list of responsibilities for individual caseworkers with dual-jurisdiction youth and also noted that needs will vary by case Monthly in-person meetings are required of case-workers to determine case needs and facilitate reunification when appropriate Each supervisor who has 241.1	Monthly in-person meetings are required of case-workers Clear outline of responsibilities for individual caseworkers with dual-jurisdiction youth	Clear criteria provided for the lead and assistant agencies Clear procedures and responsibilities for persons preparing the WIC, § 241.1 Joint Assessment Report are provided Clear criteria provided for the notice (in and out of county) and distribution of the joint assessment report	Joint dependency/wardship hearings should be held for dual-status youth, and the lead agency should prepare a single court report for the hearing; The assisting agency may prepare supplemental reports	Lead agency is responsible for case management and reports for mandated hearings; CPS and probation will jointly decide who delivers family reunification services	Reports are prepared by one of the two agencies; The receiving agency must have reviewed and signed the report

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	time and services provided		cases will submit a quarterly update to the 241.1 management team.					
Provisions for reassessing the protocol	Protocol may be terminated by court or either agency upon 30 days' written notice of termination		Minor changes in calendaring process may result when the current Conflict Attorneys Contract is renegotiated			Any party may terminate the agreement for prospective cases by giving 30 days' written notice to other parties.	One year from date of protocol signing, either CPS or probation may give notice to opt out	The parties shall conduct a joint evaluation of the protocol once every two years from the effective date of September 1, 2005
Other specifications	All documents concerning the minor are to be filed in both case files so that when one case is dismissed (if appropriate) there will be a seamless transition between courts	Distinguishes between (1) dual-status minors, (2) potential dual-status minors, (3) special-status minors		Emphasis on keeping dual-jurisdiction case planning family-centered	Most comprehensive protocol by far Specifies housing of dual-status youth shall be in compliance with WIC, § 16514(b) and §16514(c) (Emergency Shelter Statutes) Provides county liaisons for counties in southern California			Emphasis placed on respecting the confidentiality of those receiving child welfare services